IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE ELEVENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 1434 of 2005

Between:

T.S.Prakasham, S/o.Narasimham
R/o.D.No.8-15-4, block No.25, Netaji Street,
Town, Sy.No.679, Pedawaltair, Vishakapatnam.

..... PETITIONER

AND

Vishakapatnam Municipal Corporation, rep.by its Commissioner and Special Officer, Vishakapatnam Municipal Corporation, Visakhapatnam.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of Mandamus or any other appropriate writ and direct the respondent to act in accordance with law and forbear from interfere ring with the possession and enjoyment of the petitioners in respect of their house plot and house thereon as per the sanctioned plan at D.No.8-15-4, Block No.25, Netaji Street, Town sy.No.679, pedawaltair, Vishakapatnam with out following the procedure of law and without providing opportunity and hearing to the petitioner about the proposed action and grant such other relief as it deems fit and proper in the circumstances of the case.

Counsel for the Petitioner : MR. G.L.NAGESWAR RAO

Counsel for the Respondent : MR.T.S.VENKATARAMANA

The Court at the stage of admission made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.1434 OF 2005

ORAL ORDER :

This writ petition is filed seeking a Writ of Mandamus directing the respondent to forbear from interfering with the possession and enjoyment of the petitioner in respect of his plot and house constructed therein as per the sanctioned plan at D.No.8-15-4, Block No.5, Netaji Street, Town Sy.No.679, Pedawaltair, Visakhapatnam. The petitioner alleges that the staff of the respondent Corporation are interfering with his possession and enjoyment of the said house without following due process of law and the said action is arbitrary and illegal.

Having heard the learned Counsel for both parties, without expressing any opinion as to the claim of ownership made by the petitioner, the Writ Petition is disposed of with a direction to the respondent not to interfere with the possession of the petitioner in respect of the premises in question without following due process of law. No costs.

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11th February, 2005.

gbs

To

1. The Commissioner and Special Officer, Vishakapatnam Municipal Corporation, Vishakapatnam Municipal Corporation, Visakhapatnam.

2. 2 CD copies